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10/803,364	03/18/2004	Jeff Williams	MFCP.122337	7909

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/803,364	WILLIAMS, JEFF
	Examiner	Art Unit	
	PETER POLTORAK	2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>1-2, 4-16, 18-28</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,2,4-16,18-20 and 22-28</u> is/are rejected.

7) ☒ Claim(s) <u>21</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth
   in 37 CFR 1.17(e), was filed in this application after final rejection. Since this
   application is eligible for continued examination under 37 CFR 1.114, and the fee set
   forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action
   has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on
   7/22/08 has been entered.

Response to Amendment

2. Applicant's argument has been carefully considered.

3. Applicant's arguments are essentially directed towards the newly amended
   limitations.

   Because claims were rejected with two different sets of art and because the newly
   introduced limitations required new consideration, especially of the broadest
   reasonable interpretation of the art of record, applicant's arguments are addressed
   in the current rejection below. For applicant convenience, the examiner underlined
   the relevant parts of the rejection.

4. Claims 1-2, 4-16, 18-28 have been examined.

   The text of those sections of Title 35, U.S. Code not included in this action can be
   found in a prior Office action.

Claim Objections

5. Claim 18 is objected because it depends on the canceled claim 17.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. Claims 1-2, 5-7, 13-16, 18-20 and 26-29 remains rejected under 35 U.S.C. 103(a) as

    being unpatentable over Johns (Paul Johns, "Signing and Marking ActiveX Controls)

    in view of IE as illustrated by Microsoft, Schnoll, Acd.Ucar.Edu and Resource Kit.

    As per claims 1, 5-7, 13-14, 18-20 and 26-27, in the background of invention,

    applicant discloses that a user's click on a link presented in the user's browser

    prompts the content server (associated with the link) to a loading attempt of an

    executable file to be run on the user's computer (see paragraph 3: "Existing systems

    allow the user to choose, through a prompted graphical interface, whether or not to

    download the file. Often, one of the choices presented to the user is highlighted, and

    constitutes a default option. The default option is essentially a recommendation

    made by the system, which the user is free to avoid by choosing a different option.")

    User options allowing to download or prevent a download, as discussed above, are

    illustrated in detail by applicant submitted Johns, which discusses "signing and

    Marking ActiveX Controls".

    This reads on "A user interface for facilitating recommending to a computer user a

    decision for downloading content, the user interface comprising: a first trust option

    for allowing the user to cause the content to be downloaded; a second trust option

    for allowing the user to prevent the content from being downloaded".

An ordinary artisan in the art of computer science would readily recognize that the

user interface disclosed by Johns is implemented in a computer software (e.g. by

Microsoft object oriented program) that provides recommendation as illustrated in

Fig. 3 (Johns, pg. 2) for example. Thus, the ordinary artisan would readily recognize

Johns' teaching as reading on "a recommendation module for providing a

recommendation for the user … wherein the recommendation comprises selecting

as a default option the first trust option or the second trust option."

7. Johns, does not disclose an expert selection box listing a plurality of experts, the

expert selection box allowing the user to select one or more of the plurality of

experts using a profile for the user and information about the content for the

recommendation and does not explicitly disclose user's profiles.

IE as illustrated by Acd.Ucar.Edu discloses a plurality of boxes with labels (e.g.

General, Security, Privacy, Content Connection, Programs and Advanced). The box

labeled "Security", disclosed by Acd.Ucar.Edu in Fig. 4 on page 3, for example, lists

a plurality of experts ("Custom Level…" and "Default Level"), the expert selection

box allowing the user select one ore more of the plurality of experts and using at

least one expert profile associated with one or more selected experts. Thus, the

"Security" box reads on the expert selection box recited in the claim language.

Additionally, IE discloses user profiles (Trusted/Restricted sites conforming to the

user's preference).

Both: Johns and IE are directed towards the downloaded content that includes

ActiveX and decision making based on the downloaded content. Thus, the

advantages of the systems of IE and Johns could have been easily combinable with more than a reasonable expectations of success. Also, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include John's teaching into IE invention given the benefit of usability.

Lastly, it is noted that the content received by IE includes information about the content (metadata). This is how an application such as IE is able to recognize (and process accordingly) the received data (HTML? Active X?, etc.).

8. Claim 14, adds the newly introduced limitation: "wherein the one or more selected experts comprise one or more individual users other than the first user;". It is clear from applicant's specifications (paragraph 36: *"By pulling down the expert selection box 406, the user is presented with a list of individual experts (i.e., other users or groups) which can be used in computing a recommendation"*) the "users" are not actual people but rather they are representation of data related to other users. Clearly the experts ("Custom Level" and Default Level") are related to users (e.g. IE developers) others than a particular user (a first user) implementing the IE product. Also it's noted that, that upon a user login to a system, the profile of the first user is read and system environment is configured accordingly.

9. As per claims 15 and 28, Johns in view of IE disclose an updating module for updating the user profile based on a trust option chosen by the user ("OK" in Fig. 4, Acd.Ucar.Edu, for example).

10. Claims 9-10, 11-12, 22-25 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Johns (Paul Johns, "Signing and Marking ActiveX Controls) in

view of IE as illustrated by Microsoft, Schnoll, Acd.Ucar.Edu and Resource Kit

("Microsoft Internet Explorer Resource Kit", February, 1998) and further in view of

Windows OS as illustrated by Microsoft ("Microsoft "Windows 2000 User Profiles",

July 2003), TechNet (Microsoft TechNet, "User Profile Structure" and "Appendix:

Group Policy Setting for Roaming User Profiles", March 2002).

As per claims 9, 11, 22 and 24, Johns in view of IE do not disclose that at least one

expert profile to be received from a source external to the user's computer.

11. Windows OS (e.g. NT, 2000 professional) allows user profiles (setting used by

common applications such as IE, and associated with a particular user, which

inherently include at least one expert profile) to be received from a source external

to the user's computer (see Microsoft's "Windows 2000 User Profiles" and TechNet's

"Roaming Profile- Existing User", pg. 6 for example). Furthermore, Tech Net

discloses that Windows Operating System and IE could have been easily

combinable with more than a reasonable expectations of success (see Tech Net's

Chapter 5 "User's Profiles"). It would have been obvious to one of ordinary skill in

the art at the time of applicant's invention to configure Johns in view of IE invention

in the Operating System such as Windows allowing user profiles to be received from

a source external to the user's computer given the benefit of user access to uniform

environment on any machine.

12. As per claims 10, 12, 23 and 25, Johns in view of Windows OS do not disclose the

transmitted user profile being stored in an XML file. However, storing a user profile

in an XML file would have been an obvious variation that is well known in the art

(see Walsh, for example). One would have been motivated to store user profiles in
XML files especially in light of the benefits of XML as evidenced by its commercial
success.

13. Claims 1, 11-15 and 24-27, are rejected under 35 U.S.C. 103(a) as being
unpatentable over Johns (Paul Johns, "Signing and Marking ActiveX Controls) in
view of Windows OS as illustrated by Microsoft ("Microsoft "Windows 2000 User
Profiles", July 2003), TechNet (Microsoft TechNet, "User Profile Structure" and
"Appendix: Group Policy Setting for Roaming User Profiles", March 2002) and
Hipson (Peter Hipson, "Windows 2000 Registry", ISBN: 0782126154, 2000) and
further in view of in of IE as illustrated by Schnoll and Acd.Ucar.Edu

As per claims 1, 13-15 and 26-27, in the background of invention, applicant disclose
that in situation when a user's click on a link presented in a user's browser prompts
the content server (associated with the link) attempts to load an executable file to be
run on the user's computer. (see paragraph 3: "Existing systems allow the user to
choose, through a prompted graphical interface, whether or not to download the file.
Often, one of the choices presented to the user is highlighted, and constitutes a
default option. The default option is essentially a recommendation made by the
system, which the user is free to avoid by choosing a different option.")

An ordinary artisan would readily recognize that the user interface disclosed by
Johns is implemented in computer software, and computer software is a set of
programs that executes stored instructions and use stored values (such as values
represented by Yes/No shown in Fig. 3, display).

The data structure information representing information that are used for trust options to be display to a user (a set of values to be displayed to a user *(representing displayed Yes/No buttons for example)*, a particular information indicating how to display a particular option *(the option "NO" is displayed as default in Fig. 3, for example),* etc.) reads on a recommendation module. The particular option displayed to a user reads on a first (or second) trust option. It is clear that the first (YES) trust option in Fig. 3, for example, allows the user to cause the content to be downloaded as another option (NO) prevents the download. (Hipson's "Windows 2000 Registry", pg. 395-398, could be referred to as an example illustrating the intuitive representation of the above-discussed concepts.)

Thus, John's disclosure reads on "A user interface for facilitating recommending to a computer user a decision for downloading content, the user interface comprising: a first trust option for allowing the user to cause the content to be downloaded; a second trust option for allowing the user to prevent the content from being downloaded; and a recommendation module for providing a recommendation for the user ... wherein the recommendation comprises selecting as a default option the first trust option or the second trust option."

Although it is clear that the recommendation module disclosed by Johns takes as input for the recommendation information about the content (e.g. Active X in Fig. 6), Johns does not disclose that a profile for a user being is an input for the recommendation and updating module for updating the user profile based on an option chosen by the user.

Microsoft discloses taking as an input for the recommendation a profile for a user

and updating module for updating the user profile based on an option chosen by the

user, and provides motivation to combine (Microsoft, "User Profiles Overview in User

Data and Settings Management"). An ordinary artisan would readily recognize that

user profiles representing particular configuration is stored in a set of data structures

(see Hipson, pg. 4-5 and 62-67, for example.)

It would have been obvious to one of ordinary skill in the art at the time of applicant's

invention to use a user profile as an input for the recommendation and updating

module for updating the user profile based on an option chosen by the user. One of

ordinary skill in the art would have been motivated to perform such a modification in

order to allow the user system customization.

14. As per newly added limitation, Johns in view of Windows OS and Hipson does not

explicitly disclose the use of an expert selection box listing a plurality of experts, the

expert selection box allowing the user to select one or more of the plurality of

experts and using at least one expert profile associated with the one or more

selected experts,

Acd.Ucar.Edu discloses a plurality of boxes with labels (e.g. General, Security,

Privacy, Content Connection, Programs and Advanced). The box labeled "Security",

disclosed by Acd.Ucar.Edu in Fig. 4 on page 3, lists a plurality of experts ("Custom

Level…" and "Default Level"), the expert selection box allowing the user select one

ore more of the plurality of experts and using at least one expert profile associated

with one or more selected experts. (Note similar disclosure by Schnoll on pg. 1)

Thus, the "Security" box reads on the expert selection box recited in the claim language. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include at least one expert profile associated with at least one expert to be used for a recommendation whether or not to trust the content given the benefit of enabling the user to select custom level options.

15. Claim 14, adds the newly introduced limitation: "wherein the one or more selected experts comprise one or more individual users other than the first user;". It is clear from applicant's specifications (paragraph 36: "By pulling down the expert selection box 406, the user is presented with a list of individual experts (i.e., other users or groups) which can be used in computing a recommendation") the "users" are not actual people but rather they are representation of data related to other users. Clearly the experts ("Custom Level" and "Default Level") are related to users (e.g. IE developers) others than a particular user (a first user) implementing the IE product. Also it's noted that, that upon a user login to a system, the profile of the first user is read and system environment is configured accordingly.

16. As per claims 11 and 24, Johns in view of Microsoft disclose transmitting the user profile to a remote computer (Microsoft, "Roaming User Profile" in User Profiles Overview in User Data and Setting Management" section).

17. As per claims 12 and 25, Johns in view of Microsoft do not disclose the transmitted user profile being stored in an XML file. However, storing a user profile in an XML file would have been an obvious variation that is well known in the art (see Walsh,

for example). One would have been motivated to store user profiles in XML files especially in light of the benefits of XML as evidenced by its commercial success.

Conclusion

Claim 21 remain objected to as being dependent on the rejected claims but would have overcome the art of record if rewritten in the independent form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peter Poltorak/

Examiner, Art Unit 2434

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434